

Brett Foster (#6089)
Grant Foster (#7202)
Tamara Kapaloski (#13471)
DORSEY & WHITNEY LLP
111 S. Main Street, Suite 2100
Salt Lake City, UT 84111
Telephone: (801) 933-7360
Facsimile: (801) 933-7373
foster.brett@dorsey.com
foster.grant@dorsey.com
kapaloski.tammy@dorsey.com

Attorneys for Plaintiff Blendtec Inc.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

BLENDTEC INC., a Utah corporation,
Plaintiff,

vs.

BLENDJET INC., a Delaware corporation,
Defendant.

**FIFTH STIPULATED MOTION TO
AMEND SCHEDULING ORDER**

Civil No. 2:21-cv-00668-TC-DBP

Judge Tena Campbell

Magistrate Judge Dustin B. Pead

Pursuant to Fed. R. Civ. P. 16(b)(4), and for good cause, Plaintiff Blendtec Inc. (“Blendtec”) and defendant BlendJet, Inc. (“BlendJet”), through counsel, hereby stipulate and jointly move the Court to modify the Court’s April 22, 2024 Fourth Amended Scheduling Order (ECF No. 184). Due to unavoidable scheduling conflicts for Blendtec’s counsel that arose during the lengthy stay of proceedings pending resolution of a motion in this case, the parties request a brief extension of time to conclude fact and expert witness discovery, with an equivalent extension of other case deadlines.

The parties hereby stipulate and jointly move the Court to amend all remaining deadlines in the Scheduling Order as follows:

Date per Fourth Amended Scheduling Order (ECF 184)	Stipulated New Date	Event
September 13, 2024	November 13, 2024	Rule 26(a)(2) Expert disclosures (subject and identity of experts) – parties bearing the burden of proof
September 27, 2024	November 20, 2024	Close of fact discovery
September 27, 2024	November 20, 2024	Rule 26(a)(2) Expert disclosures (subject and identity of experts) – counter disclosures
October 18, 2024	December 18, 2024	Rule 26(a)(2) Expert Reports – parties bearing burden of proof
December 9, 2024	February 10, 2025	Rule 26(a)(2) Expert Reports – counter reports
January 16, 2025	March 20, 2025	Last day for expert discovery
February 14, 2025	April 18, 2025	Deadline for filing dispositive or potentially dispositive motions including <i>Daubert</i> motions to exclude expert testimony
February 21, 2025	April 25, 2025	Evaluate case for settlement/ADR

If dispositive motions are filed and the district judge's ruling on those motions does not resolve the case, the parties shall file a request for a scheduling conference with the district judge for the purpose of setting a trial date no later than one week after the ruling on the dispositive motions.

All other provisions of the prior Scheduling Orders entered in this case (ECF No. 25, ECF No. 28, ECF No. 35, ECF No. 90, and ECF No. 184) not modified above shall remain the same. The parties have submitted herewith a proposed order granting the requested relief.

Respectfully submitted this 18th day of June, 2024.

Attorneys for Plaintiff Blendtec Inc.:

DORSEY & WHITNEY LLP

/s/ Tamara L. Kapaloski

Brett Foster (#6089)

Grant Foster (#7202)

Tamara L. Kapaloski (#13471)

Attorneys for Defendant BlendJet Inc.:

**SHEPPARD, MULLIN, RICHTER &
HAMPTON LLP**

/s/ Jesse A. Salen

Martin R. Bader (*Pro hac vice*)

Jesse A. Salen (*Pro hac vice*)

MCGILL & CO.

Patrick McGill (*Pro hac vice*)

PARSONS BEHLE & LATIMER

Nathan B. Thomas (USB #11965)

Elizabeth M. Butler (USB #13658)

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of June, 2024, a true and correct copy of the foregoing
was served on the following counsel of record via the Court's CM/ECF system:

Martin R. Bader: mbader@sheppardmullin.com
Jesse A. Salen: jsalen@sheppardmullin.com
Patrick M. McGill: patrick@mcgillco.com
Nathan D. Thomas: nthomas@parsonsbehle.com
Elizabeth M. Butler: ebutler@parsonsbehle.com

/s/ Tamara L. Kapaloski